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October 11, 2006

VIA E-FILE CM/ECF

The Honorable Sue L. Robinson
United States District Court
844 North King Street
Lock Box 31
Wilmington, DE 19801

Re: Termonia v. Brandywine School District
C.A. No. 06-294 SLR

Dear Judge Robinson:

In connection with tomorrow's telephone Scheduling Conference, enclosed please find the parties' proposed Scheduling Order.

Respectfully,

/s/ Barry M. Willoughby
Barry M. Willoughby
(I.D. No. 1016)

BMW:mmcm
Enclosure
cc: Clerk, U.S. District Court
Gary Aber, Esquire

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CORINE TERMONIA,)
)
)
Plaintiff,)
)
)
v.) C.A. No. 06-294-SLR
)
)
BRANDYWINE SCHOOL)
DISTRICT,)
)
)
)
Defendants.)

O R D E R

This ____ day of _____, 2006, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by October 31, 2006 the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects: The facts and circumstances surrounding Plaintiff's application for various administrative positions with Defendant, her employment history with the Defendant; her education experience and qualifications and other factors relevant to her application for administrative positions. All issues concerning Plaintiff's claims for damages including

without limitation claims of emotional distress, back pay or front pay. Other facts and circumstances raised in the pleadings in this case.

(b) All discovery shall be commenced in time to be completed by August 1, 2007.

(c) Maximum of 50 interrogatories by each party to any other party.

(d) Maximum of 50 requests for admission by each party to any other party.

(e) Maximum of 10 depositions by plaintiff and 10 by defendant.

(f) Each party is limited to a maximum of 70 hours of depositions unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by April 1, 2007. Rebuttal expert reports due by May 1, 2007.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. Joinder of other Parties, Amendment of Pleadings, and Class

Certification. All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before February 15, 2007.

4. Settlement Conference. Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.

5. Summary Judgment Motions. All summary judgment motions shall be served and filed with an opening brief on or before August 1, 2007. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

6. Applications by Motion. Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D.Del. LR 7.1.1.**

7. Motions in Limine. All motions in limine shall be filed on or before **[two weeks before pretrial conference]**. All responses to said motions shall be filed on or before **[one week before pretrial conference]**.

8. Pretrial Conference. A pretrial conference will be held on _____ at _____ m. in Courtroom No. 6B, Sixth Floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a [day/week] bench/jury trial commencing on _____ in Courtroom No. 6B, Sixth Floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

United States District Judge